

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JONATHAN MENA,

Plaintiff,

-against-

THE CITY OF NEW YORK, *et al.*,

Defendants.

**DECLARATION OF
MARK GALEN TOEWS
IN SUPPORT OF
DEFENDANTS' MOTION
FOR SUMMARY
JUDGMENT**

12 Civ. 0028 (CM)
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MARK GALEN TOEWS declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a Senior Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for Defendants in the above-captioned action. As such, I am familiar with the facts and circumstances set forth herein.

2. I submit this declaration in support of Defendants' motion for summary judgment

3. Annexed hereto as Exhibit "A" are true and correct copies of pages 24-37 and 74-76 of Plaintiff's sworn testimony from his deposition in this action, taken by videoconference on July 15, 2013.

4. Annexed hereto as Exhibit "B" are true and correct copies of pages 1 and 2 of Plaintiff's Response to Defendant's First Set of Interrogatories, dated August 12, 2013.

5. Annexed as Exhibit "C" are certified meteorological records from La Guardia Airport in New York, New York for the months of November 2011 and December 2011. Included with those records is a certification by Nancy A. Ritchey, Records Custodian and Data Administrator for the National Climatic Data Center, that the records are authentic and true

copies of meteorological records on file in the National Climatic Data Center, in Asheville,
North Carolina.

Dated: New York, New York
November 18, 2013

s/
MARK GALEN TOEWS